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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,530	04/14/2004	Richard A. Deming	DMA	6536
20191	7590	03/22/2006	EXAMINER	
DAVID KIEWIT 5901 THIRD ST SOUTH ST PETERSBURG, FL 33705			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,530

Applicant(s)

DEMING, RICHARD A.

Examiner

Chapman E. Jeanette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claims 1, 2, 6 and 8 are objected to for the following reasons:

- Claims 1: part h.) of claim 1 has no clear meaning
- The last two line of claim2 have no clear meaning.
- Claim 6 part f.) has no clear meaning
- Claim 8 has no clear meaning

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al(6098357) in view of Delgado, Jr. (5060436) or Delgado in vie of Franklin.

Franklin et al discloses a method for connecting a framework comprising a top of a concrete masonry wall 12 comprising at least one vertical channel 40; the method comprising:

1. placing an anchor assembly with a threaded upper portion above the upper reference surface of the retainer by a first selected height
2. Pouring grout 75 into at least one vertical channel 40 to capture the end of the anchor 20
3. allowing the grout to harden
4. the threaded upper end of the anchor extends upward through a through hole in the lower portion of the frame

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5. threading a nut 76 onto the anchor 20 to fasten the framework to the masonry wall

6. Ik

Franklin lacks the retainer and the accompanying method. Delgado discloses a method for connecting frame work comprising:

1. providing an anchor 16 having a threaded upper end 20 and a grout engagn lower end 18
2. providing an anchor retainer 28 comprising:
 - a. A body having upper and lower surfaces
3. Forming an anchor assembly in which the threaded upper portion of the anchor extends above the upper reference surface of the retainer by a first selected height
4. placing the anchor retainer assembly atop the wall so that the top surface of the wall abuts the bottom reference of the retainer; see figures 1-2 and so that the no portion of the retainer depends into the at least one channel and so that the grout engaging end of the anchor depends into the channel
5. pouring grout into the channel and allowing the grout to harden
6. disassembling the anchor retainer assembly by removing the anchor retainer form the anchor so as to leave the threaded upper end of the anchor extending above the top of the masonry wall
7. the upper and lower surfaces are shown to be separated by a distance no greater than a thickness of the lower portion of the frame

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It would have been obvious to construct a concrete masonry wall with a framework to include all of the recited steps to provide a convenient means to provide a strong framework to the recited wall

Claims 2-3 and 6-8, as far as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references and further in view of Kilkenny (2003/0025047) and Ting (6591562). Delgado lacks the retainer with legs. Kilkenny discloses an anchor 28 and a retainer 16/18/20 having legs 16/18 engaging the outer walls of a structure. Kilkenny discloses a means 42 to clamp the retainer to the wall. Ting discloses an anchor 2 and a retainer 2 having legs. In view of the above it would have been obvious to include the legs on the retainer to provide a means to position the anchor as shown by Ting and Kilkenny. So positioning the retainer comprising pushing the anchor retainer downwards to as to spread apart the retainer legs as shown by Kilkenny. The nailing zone is not indented as shown by Earhardt et al, see abstract. It would have been obvious to one of ordinary skill in the art to modify Kirhuff to include the indented nailing zone to accommodate proper placement of the nail upon installation of the starter block and shingles. Kilkenny does not use spring forces to clamp the retainer to the wall but it would be obvious to use an alternative clamping means for Delegado to prevent using any more hardware which would remain in the concrete after pouring and hardening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEANETTE E. CHAPMAN
PRIMARY EXAMINER
ART UNIT 3635